

**UNITED STATES DISTRICT COURT OF THE VIRGIN ISLANDS  
FOR THE DISTRICT OF ST. THOMAS AND ST. JOHN**

Wilnick Dorval	)	
Plaintiff	)	
v.	)	Case No. 2018-29
Sapphire Village Condominium Owners	)	
Association, et al.	)	
Defendants	)	

**MEMORANDUM OF LAW SUPPORTING MOTION FOR TEMPORARY AND  
PERMANENT RESTRAINING ORDER AND PRELIMINARY INJUNCTION ON  
DEFENDANTS SAPPHIRE VILLAGE CONDOMINIUM OWNERS ASSOCIATION,  
MADLON JENKINS-RUDZIAK, JOANNE LEVESQUE, LOURDES CORDERO AND  
THOMAS CORDERO, BERNARD VANSLUYTMAN,  
RONALD CASHIO AND CLAUDIA WOLDOW**

COME NOW, Plaintiff, Wilnick Dorval, *Pro Se*, respectfully states as follows:

**DEFENDANTS ARE JOINTLY AND SEVERALLY LIABLE FOR ALL DAMAGES  
AND PUNITIVE DAMAGES TO ME AS A RESULTS OF THEIR  
UNLAWFUL CONDUCTS**

Defendants are jointly and severally liable for all damages and punitive damages that I suffered because of their unlawful acts. In this jurisdiction the principal of joint and several liability is governed by common law principal of joint and several liability, as modify by statutes. *Davis v. American Youth Soccer Organization*, 2016 WL 259567\*at 6 (*V.I. Super.*

January 20, 2016). In the Virgin Islands, the common law rule that a joint tortfeasor is liable to a plaintiff for the full amount of the damages awarded at trial is controlling. *Id.* Accordingly, defendants are jointly and severally liable for their unlawful conducts that caused me to suffer. I suffered and will continue to suffer with sever pains and suffering, disfigurement, numbness, loss of visions, headache, severe emotional distress, humiliation, embarrassment; worries; anxieties; migraine; loss of income; losses of reputation; inability to obtain employment anywhere; intentional infliction of emotional distress.

Further, I am allowed under the procedural rules to bring four separate lawsuits against joint tortfeasors as I have done here. “Under the tenets of joint and several liability, putative joint tortfeasors are not necessary parties to a proceeding to recover damages.” *Id.* Therefore, I have the option to sue multiple tortfeasors jointly in a single litigation or in separate lawsuits. I have selected the options to sue defendants separately.

Furthermore, the courts have made it clear that harassment and excessive noise disturbances can cause intentional infliction of emotional distress. The Restatement (Second) identifies threats as the kind of outrageous behavior that give rise to liability when it caused severe emotional distress. See *Warner v. Kmart Corp*, 2009 WL 1476476 \* 17 (D.V.I 2009) (*The court ruled that Defendants would surely have known that subjecting Plaintiff to continuous acts of sexual harassment would cause her severe emotional distress*), *Fraser v. Kmart Corp*, 2009 WL 1124953 \*11 (D.V.I. 2009) (*Continuous malicious actions must exist before an employer may be held liable and courts will generally consider the pattern and duration of distress...*), *Silver v. Mendel*, 894 F.2d 598, 607 (3d Cir. 1990)(*defendants threatened the plaintiff with physical injury and the destruction of his business in order to extort money from him and thereafter carried out part of that threat*), *VECC, Inc. v. Bank of Nova Scotia*, 296 F.Supp.2d

617, 622 (D.V.I.2003) (*One who publishes a slander that ascribes to another conduct, characteristics or a condition that would adversely affect his fitness for the proper conduct of his lawful business, trade, or profession ... is subject to liability without proof of special harm*). I have been subjected to harassment, and excessive noise disturbances for more than 2 years; assault and battery; followed and prevented from traveling anywhere because of threats of grave bodily harm; harassed at the ATM.

I have the right to sue them separately because “the substantive law of joint and several liability remains the law in the Virgin Islands.” *Id.* Accordingly, defendants are jointly and severally liable to me for all damages and punitive damages that I suffered as a result of their unlawful conducts.

Dated: June 7, 2018

/s/ Wilnick Dorval  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this date I am causing this document to be filed electronically by this Court's CM/ECF system, the court will send a notification of this filing to all electronic filing users, and I hereby certify that I mailed an exact copy by U.S. Mail on the following:

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Dated: June 7, 2018

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